

copy to TUNU

CITY OF NEW YORK  
THE SPECIAL COMMISSIONER OF INVESTIGATION  
FOR THE NEW YORK CITY SCHOOL DISTRICT  
25 BROADWAY, 8TH FLOOR  
NEW YORK, NEW YORK 10004

EDWARD F. STANCIK  
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400  
FAX: (212) 510-1550

March 23, 2000

Hon. Harold O. Levy  
Chancellor  
New York City Public Schools  
110 Livingston Street; Room 1010  
Brooklyn, NY 11201

Re: Wilbert Cortez  
John Evbomenya  
SCI Case #2000-0681

Dear Chancellor Levy:

An investigation conducted by this office has substantiated that Wilbert Cortez, a computer cluster teacher assigned to PS 184 in District 23 in Brooklyn, inappropriately touched two male students ("Student A" and "Student C") at that school.<sup>1</sup> Moreover, although Student A reported Cortez's conduct to classroom teacher John Evbomenya on three separate occasions, he failed to report the information to the principal and to this office.<sup>2</sup>

This investigation began when Student A's father reported to Principal Jeanette Reed that Cortez touched his son's backside, behavior which was witnessed by a friend ("Student B"). Moreover, on one occasion when Student A was alone with the teacher, Cortez placed his hands around the boy's waist and pulled him. In addition, his son complained to Evbomenya who took no action. Reed forwarded all the information to this office.

<sup>1</sup> By letter dated March 8, 2000, pending the outcome of this investigation, Cortez was assigned to the District 23 office.

<sup>2</sup> Evbomenya was not reassigned during this investigation.

According to Student A, Cortez has touched him three times since December 1999, conduct which made the boy feel uncomfortable. On the first two occasions, while lining up in the classroom, the computer teacher slapped Student A on the buttocks. During the third incident, the boy was alone with the teacher. According to the child, teacher, sent him to see Cortez upon the request of the computer teacher. With just the two of them present, Cortez told the boy to type while he dictated. However, as Student A stood before the computer, Cortez came up behind him. The teacher wrapped his arms around the boy and, while rubbing Student A's chest, pulled the child toward him.

According to Student A, after each incident, he told Evbomenya about the computer teacher's conduct. In response, the classroom teacher offered to sit down with the boy and Cortez to "straighten things out." Not surprisingly, Student A declined that solution and suggested that he stop attending Cortez's class. However, Evbomenya said that the boy had to go to computer class.

Several witnesses provide additional evidence and corroborate Student A's complaint:

- Student C complained that Cortez also touched him. According to him, on February 17, 2000, a date when his classroom teacher was absent, he was placed in Cortez's room. While taking attendance, Cortez slapped Student C on the buttocks, telling him to "hurry up." Later that day, as the boy read numbers from the backs of the computers to Cortez, the teacher again slapped Student C on the buttocks. After Student A confided that he had been touched, Student C revealed his own experiences to his friend.
- According to Student B, he has observed Cortez slap Student A on the buttocks three times. On the first occasion, in January 2000, the teacher yelled at his friend and then slapped him. Student B has seen Cortez repeat this conduct two more times since that incident. According to Student B, he knows that Student A did not like being touched by Cortez.

- Student D reported a conversation he had with Student A in the lunchroom during February 2000. According to him, his friend did not want to return to Cortez's class because the teacher had placed his arms around Student A and held him. Student D described Student A as "upset."
- teacher confirmed that, sometime during the current school year, she gave Student A a pass and sent him to Cortez in the computer lab. According to her, before sending a child to another class, she verifies that the teacher has summoned the student.
- According to Principal Reed, Student C's regular classroom teacher was absent on February 17, 2000.

Through his attorney, Wilbert Cortez declined to be interviewed.

John Evbomenya acknowledged that on three occasions during this school year, Student A came to him to complain about Cortez's behavior. During his most recent report, the boy described a "bad touch" which made him feel uncomfortable. Evbomenya admitted that his response was to suggest a sit down to "straighten things out," an offer which was declined. According to Evbomenya, he did not report the boy's allegations to anyone because if they were not true, Cortez's career could be ruined.

Information from the students clearly establishes a pattern of inappropriate conduct by Cortez. Student A, in particular, was troubled by the teacher's touching. It is therefore the recommendation of this office that disciplinary action be taken against Wilbert Cortez. Moreover, he must be advised that future misconduct will result in termination of his employment.

John Evbomenya failed a child who reached out to him for help. Student A, already distressed by Cortez's behavior, was further traumatized by Evbomenya's suggestion that the child meet with the person who was touching him, as well as return to that teacher's class. Moreover, Evbomenya opted to keep the boy's complaints to himself, choosing the interests of the accused teacher over the welfare of the student. His failure underscores the need to forward all allegations of misconduct immediately and directly to this office in order to initiate an independent inquiry into the matter. It is therefore the recommendation of this office that Evbomenya be advised of his obligation to report to this office and that future failures to do so will result in disciplinary action.

March 23, 2000

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also forwarding a copy of our report to the State Education Department for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken, or is contemplated against Wilbert Cortez and John Evbornenya. Thank you for your attention to this matter.

Sincerely,

EDWARD F. STANCIK  
Special Commissioner  
of Investigation for the  
New York City School District

By:

  
Regina A. Loughran  
Deputy Commissioner

EFS:RAL:ai  
